

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Attorney Docket No.: 15272US02**

**PATENT**

In the Application of:	)	
	)	
Gaikwad, et al.	)	<b><u>Electronically Filed On October 9, 2007</u></b>
	)	
Serial No.: 10/817,094	)	
	)	
Filed: April 2, 2004	)	
	)	
For: RSSI SLOPE CALIBRATION	)	
TECHNIQUE	)	
	)	
Examiner: Lu, Zhiyu	)	
	)	
Group Art Unit: 2618	)	
	)	
Confirmation No.: 2127	)	

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal, and is timely because while the three month date from the mailing date of the Final Office Action is October 6, 2007, that day is a Saturday, and October 8, 2007 is a Federal holiday. Thus, the period for response ends on October 9, 2007.

The review is requested for the reasons stated on the attached sheets.

Respectfully submitted,

Date: October 9, 2007

By: /Joseph M. Butscher/  
Joseph M. Butscher  
Reg. No. 48,326  
Attorney for Applicants

## REMARKS

The present application includes pending claims 1-7 and 9-23, all of which have been rejected. Claims 1-4, 10-12, 15-18 and 22 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 2005/0095993 ("Kim"). Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kim. Claims 6-7 and 20-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of U.S. 6,603,810 ("Bednekoff"). Claims 5, 9 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of U.S. 6,704,352 ("Johnson"). Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of U.S. 6,801,788 ("Csapo").

Kim does not anticipate claims 1-4, 10-12, 15-18 and 22. *See* August 27, 2007 Response at pages 7-13. Kim "relates generally to wireless communication systems and more particularly to radio frequency integrated circuits and radio frequency printed circuit boards used in such wireless communication systems." Kim at [0003]. More specifically, Kim discloses a "method for determining attenuation of a transmit/receive switch," and a "method for attenuating high powered inbound RF signals." *See id.* at [0012]-[0013].

Claim 1 recites, in part, "adjusting the operation of the receiver portion based upon the first signal power measurement and the second signal power measurement, wherein the adjusting comprises modifying at least one threshold related to the processing of receive signal strength indicator data used in the operation of the radio frequency communication system ." Kim does not describe, teach or suggest these limitations. *See* August 27, 2007 Response at pages 8-10. The Applicants show that the portions of Kim relied on by the Office Action as support for the rejection of claim 1 do not describe, teach or suggest the relevant limitations. *See id.* at pages 8-10. Thus, the Office Action has not established a *prima facie* case of anticipation with respect to claim 1, or the claims that depend therefrom. These claims are allowable over the cited art.

Kim also does not anticipate independent claim 15. *See id.* at pages 11-13. Claim 15 recites, in part, "the radio frequency communication system adjusting at least one characteristic of the receive signal strength indicator using the switching circuitry **and the transmitter circuitry.**" Kim, on the other hand, discloses a receiver signal processing module that triggers a T/R switch attenuation mode with respect to a receiver section. *See id.* at [0039] ("Based on this

value, the receiver signal processing module 64, as inbound RF signals are being received, can trigger the T/R switch attenuation mode such that the receiver section is not saturated.”). The Applicants show that the portions relied on by the Office Action as support for the rejection of claim 15 do not describe, teach or suggest the relevant limitations. *See id.* at pages 11-13. Thus, the Office Action has not established a *prima facie* case of anticipation with respect to claim 15, or the claims that depend therefrom. Indeed, these claims are allowable over the cited art.

The remaining claims of the present application are also in condition for allowance. *See id.* at pages 13-14.

The Applicants respectfully submit that the Office Action has not established a *prima facie* case of anticipation or obviousness with respect to any of the pending claims for at least the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. The Commissioner is authorized to charge any necessary fees, including the \$500 fee for the Notice of Appeal, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: October 9, 2007

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Respectfully submitted,

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